

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

15750 U.S. PTO



032904

Atty. Dkt.: 4380-154  
Date: March 29, 2004

17302 U.S. PTO  
10/810859

032904

Sir:

Attached for filing is the divisional patent application of:  
Inventor: Steven M. BESSETTE et al.

Group: 1616  
Examiner: John D. PAK

Entitled: NON-HAZARDOUS PEST CONTROL

and including attachments as noted below:

- ☐ Newly executed Declaration, ☒ Copy of Declaration from prior application.  
☐ Please delete the following inventors in the continuation/division/continuation-in-part application:  
**Deleted persons:**  
☒ Attached is believed to be a true copy of the prior application (specification, claims, drawings, executed oath or declaration and any amendments referenced in the declaration), as originally filed. No amendments(if any) referred to in the oath or declaration filed to complete the prior application introduced new matter therein.  
☒ 67 pages of specification and claims (including 1 numbered claim(s)), 1 page Abstract, and 0 sheets of drawing(s).  
☐ Record the attached assignment to \_\_\_\_\_ and return to the undersigned.  
☒ Attached is a copy of the Exclusive Substitute Power of Attorney from the prior application.  
☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number	Country	Day/Month/Year Filed
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, respectively, the entire content of which is hereby incorporated by reference in this application..

- ☐ Certified copy(ies) of foreign application(s) is/are attached.  
☐ Certified copy(ies) filed on \_\_\_\_\_ in prior appln. no. \_\_\_\_\_ filed \_\_\_\_\_  
☒ This application is a ☐ continuation/☒ division/☐ continuation-in-part of U.S. Patent Application Ser. No. 09/578,724, filed May 26, 2000, which is a continuation-in-part of U.S. Patent Application Serial No. 08/657,585, filed June 7, 1996, now U.S. Patent No. 6,114,384 which is, in turn, a continuation-in-part of International Application No. PCT/US94/05823, filed May 20, 1994, and the corresponding U.S. National Phase Serial No. 08/553,475, filed November 9, 1995, now U.S. Patent No. 5,693,344, which is, in turn, a continuation-in-part of U.S. Patent Application Serial No. 08/065,594, filed May 21, 1993, now U.S. Patent No. 5,439,690, the entire contents of which are hereby incorporated by reference in this application.  
☒ Petition filed in prior application to extend its life to insure co-pendency. To the extent necessary to maintain copendency, Applicants hereby request an extension of time in the prior application (Appl. No. 09/578,724). Please charge the necessary extension of time fee to Deposit Account No. 14-1140.  
☒ The prior application is assigned to EcoSmart Technologies, Inc., Franklin, Tennessee at reel 011426, frame 0764.  
☒ It is hereby requested that the Examiner consider the art cited in the parent application by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached.  
☒ Applicant is entitled to "small entity" status. ☐ "Small entity" statement attached.  
☒ Please enter the attached preliminary amendment prior to calculation of filing fee. Added claims have been numbered consecutively beginning with the number following the highest numbered original claim in the prior application.  
☒ Also attached: ☒ Information Disclosure Statement; ☐ Non-Publication Request; ☐ Nucleotide and/or Amino Acid Sequence Submission; ☐ Statement deleting inventor(s) named in prior application; ☐ Other:

**FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY HEREWITH CANCELED**

Basic Filing Fee				\$	770.00
Total effective claims	20	- 20 (at least 20) =	0	x \$ 18.00	\$ 0.00
Independent claims	1	- 3 (at least 3) =	0	x \$ 86.00	\$ 0.00
If any proper multiple dependent claims now added for first time, add \$290.00 (ignore improper)				\$	0.00
				<b>SUBTOTAL</b>	\$ 770.00
If "small entity," then enter half (1/2) of subtotal and subtract				-\$	(385.00)
				<b>SECOND SUBTOTAL</b>	\$ 385.00
Assignment Recording Fee (\$40.00)				\$	0.00
				<b>TOTAL FEE ENCLOSED</b>	\$ 385.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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WFG:ewm

NIXON &amp; VANDERHYE P.C.

By Atty: Willem F. Gadiano, Reg. No. 37,136

Signature:

The PTO did not receive the following:  
110-1140-100 page 64 and page  
65 of specification

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